

**REMARKS**

This Supplemental Amendment is being timely filed.

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

***Status of the Claims***

In the present Preliminary Amendment, claims 1, 2, 4 and 6 have been amended. This makes claims 1-11 as pending in the present application.

No new matter has been added by way of these amendments, because each amendment is supported by the present specification and is minor in character. For instance, in claim 1, the phrase "C<sub>1</sub> C<sub>6</sub>-alkoxy" was missing the dash and is replaced with "C<sub>1</sub>-C<sub>6</sub>-alkoxy." Thus, these changes are obviously minor in character, wherein Applicants are in no way conceding any limitations with respect to the interpretation of the claims under the Doctrine of Equivalents.

Based upon the above considerations, entry of the present amendment is respectfully requested.

Applicants note that the Preliminary Amendment filed with the Request for Continued Examination (dated August 16, 2007) is fully responsive to the outstanding Office Action. The present Supplemental Amendment is for clarification purposes and to comment on the recent Interview.

*Substance of the Interview*

Applicants thank Examiner Leeser and Primary Examiner Tucker for their time, helpfulness and courtesies extended to Applicants' representative during the Interview of October 5, 2007. The assistance of the Examiners in advancing prosecution of the present application is greatly appreciated. In compliance with M.P.E.P. § 713.04, Applicants submit the following remarks.

The Interview Summary form amply summarizes the discussions at the Interview. Various ways of addressing the prior art rejections were discussed. The contents of the Interview Summary are repeated below:

*Claim amendments gets around (USPN) 5,965,561. With regard to (USPN) 7,105,664, Mr. Tucker said that we'd have to look at the reference more closely because the difference between the reference compounds and the compounds of the instant claim are C2-C8 (instant) versus methyl of reference. Mr. Perez argued that the reference taught away from the instant claims. There was a 3<sup>rd</sup> reference which followed the same arguments as 7,105,664.*

Applicants wish to clarify that the phrase "*and the compounds of the instant claim are C2-C8 (instant) versus methyl of reference*" should be reversed.

Also, during the Interview, Applicants did argue that Pees *et al.* '561 (U.S. Patent No. 5,965,561) requires the pentafluoro structure. The Examiners appeared to agree that Pees *et al.* '561 was improperly used against the currently pending set of claims for this reason.

In addition, regarding the cited Tormo I Blasco *et al.* '460/'664 reference (U.S. Application No. 10/474,460; now U.S. Patent No. 7,105,664), Applicants argued that this reference requires its R<sup>2</sup> to be C<sub>2</sub>-C<sub>8</sub>-fluoroalkyl, which could be fluoroethyl. Further,

Applicants pointed that the comparative example (e.g., the top of column 14) of Tormo I Blasco *et al.* '460/664 uses "-CF<sub>3</sub>," and thus teaches away from the present invention.

Finally, Applicants respectfully submit that the rejection in view of the Pees *et al.* '151 reference (U.S. Patent No. 6,559,151) has also been overcome. This reference discloses triazolopyrimidine derivatives with a CF<sub>3</sub> substituent in the ortho position of the phenyl ring. Applicants note that the CF<sub>3</sub> group on the phenyl ring (in combination with a further substituent) is the characteristic feature of Pees *et al.* '151. Pees *et al.* '151 does not disclose or teach the claimed invention.

### ***Conclusion***

Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below.

Application No. 10/550,571

Docket No.: 4266-0135PUS1

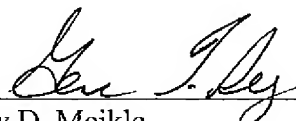
Art Unit 1624

Supplemental Amendment after RCE (in response to  
After Final Office Action of February 16, 2007)

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: October 9, 2007

Respectfully submitted,

By  #48,501

4

Andrew D. Meikle

Registration No.: 32,868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant